

By: Riddle, Goolsby, Gallego, Escobar,
Uresti, et al.

H.B. No. 3224

Substitute the following for H.B. No. 3224:

By: Berman

C.S.H.B. No. 3224

A BILL TO BE ENTITLED

AN ACT

relating to benefits for certain members of the United States armed
forces and the Texas National Guard and their survivors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 431, Government Code, is
amended by adding Section 431.019 to read as follows:

Sec. 431.019. TEXAS SERVICE MEMBERS' MEMORIAL ACCOUNT. (a)
The comptroller shall establish the Texas service members' memorial
account in the general revenue fund.

(b) The comptroller, governor, or adjutant general may
accept gifts and grants for deposit to the credit of the account.

(c) The legislature may transfer money into the account or
may appropriate money to implement this section that the
comptroller shall credit to the account.

(d) Money in the account may be appropriated only for the
purposes of making payments under Chapter 437.

SECTION 2. Subtitle C, Title 4, Government Code, is amended
by adding Chapter 437 to read as follows:

CHAPTER 437. BENEFITS FOR SURVIVORS OF

CERTAIN MILITARY VETERANS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 437.001. DEFINITION. In this chapter, "eligible
survivor" means a person eligible to receive benefits under this
chapter.

1 Sec. 437.002. APPLICABILITY. This chapter applies only to
2 eligible survivors of a member of the United States armed forces or
3 Texas National Guard who:

4 (1) joined the armed forces or national guard while
5 residing in Texas; and

6 (2) died after September 11, 2001, and before August
7 1, 2007, while:

8 (A) receiving hazardous duty pay, hostile fire
9 pay, or imminent danger pay; and

10 (B) serving in Iraq, Afghanistan, or Kuwait.

11 Sec. 437.003. EXPIRATION OF CHAPTER. This chapter expires
12 March 1, 2010.

13 [Sections 437.004-437.050 reserved for expansion]

14 SUBCHAPTER B. ADMINISTRATION OF CHAPTER

15 Sec. 437.051. COMPTROLLER. (a) Except as provided by
16 Section 437.052, the comptroller shall administer this chapter,
17 including payment of benefits.

18 (b) The comptroller shall prescribe forms necessary to
19 administer this chapter.

20 Sec. 437.052. ADJUTANT GENERAL. The adjutant general shall
21 administer this chapter for the payment of benefits to eligible
22 survivors of Texas National Guard members.

23 Sec. 437.053. RULES. The comptroller and adjutant general
24 shall adopt rules to administer this chapter, including rules and
25 procedures for making and proving a claim, appealing decisions, and
26 receiving benefits under this chapter.

27 Sec. 437.054. GIFTS; GRANTS. The comptroller and adjutant

1 general may accept gifts and grants to make payments under this
2 chapter.

3 [Sections 437.055-437.100 reserved for expansion]

4 SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

5 Sec. 437.101. ELIGIBILITY. (a) In this section, "heirs"
6 has the meaning assigned by Section 3, Texas Probate Code.

7 (b) An eligible survivor is a person designated as a
8 beneficiary on the deceased individual's group life insurance
9 program under 38 U.S.C. Section 1965 et seq. If a beneficiary for
10 that individual is not listed on the policy, the eligible survivors
11 are the heirs.

12 Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. The state
13 shall pay \$50,000 to the eligible survivor of an individual or the
14 appropriate pro rata portion of that amount to the eligible
15 survivors of the individual.

16 Sec. 437.103. APPLICATION FOR AND PAYMENT OF BENEFITS. An
17 eligible survivor must apply for benefits in accordance with this
18 chapter before August 31, 2009.

19 [Sections 437.104-437.150 reserved for expansion]

20 SUBCHAPTER D. TUITION, BOOKS, AND FEES FOR HIGHER EDUCATION

21 Sec. 437.151. DEFINITION. In this subchapter, "institution
22 of higher education" has the meaning assigned by Section 61.003,
23 Education Code.

24 Sec. 437.152. APPLICABILITY. This subchapter applies only
25 to an eligible survivor who is the child of a deceased individual
26 under Section 437.002 or the spouse of that individual at the time
27 of death.

1 Sec. 437.153. TUITION, FEES, AND BOOKS. (a) To the extent
2 money is available in a fiscal year after payment of benefits under
3 Subchapter C, the state shall pay eligible survivors an amount
4 determined sufficient by the comptroller to pay the cost of
5 tuition, fees, and books required to attend an institution of
6 higher education. This subsection does not apply to property
7 deposit fees, student services fees, or any fees or other charges
8 for lodging, board, or clothing.

9 (b) An eligible survivor is not eligible to receive further
10 payments if the survivor's cumulative total credit hours at the
11 institution of higher education exceeds 150 hours.

12 Sec. 437.154. SOURCE OF PAYMENTS. To the extent consistent
13 with Section 437.153, the comptroller and adjutant general shall
14 make payments under this subchapter using money in the following
15 priority:

16 (1) from gifts and grants;

17 (2) from the sale of license plates under Section
18 504.658, Transportation Code; and

19 (3) from unclaimed lottery proceeds under Section
20 466.408(b-1).

21 SECTION 3. Section 466.408, Government Code, is amended by
22 adding Subsection (b-1) to read as follows:

23 (b-1) If a claim is not made for prize money on or before the
24 180th day after the date on which the winner was selected, the third
25 highest priority in distribution of the money is to pay benefits
26 under Chapter 437. This subsection:

27 (1) controls over Subsections (b)(2) and (3); and

1 (2) expires March 1, 2010.

2 SECTION 4. Subchapter G, Chapter 504, Transportation Code,
3 is amended by adding Section 504.658 to read as follows:

4 Sec. 504.658. SUPPORT OUR TROOPS PLATES. (a) The
5 department shall issue specialty license plates that include the
6 words "Support Our Troops" and depict a yellow ribbon.

7 (b) The department shall charge \$43 for the issuance of a
8 license plate under this section, or another amount the department
9 determines is reasonable and necessary to pay the department's
10 administrative costs and to comply with Subsection (c).

11 (c) Of each fee collected under this section, the department
12 shall deposit \$35 to the credit of the Texas service members'
13 memorial account. Money deposited under this subsection may be
14 used only to pay benefits under Chapter 437, Government Code.

15 (d) This section expires March 1, 2010.

16 SECTION 5. Subchapter D, Chapter 437, Government Code, as
17 added by this Act, applies beginning with books purchased for and
18 tuition and other fees charged for the 2005 fall semester.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2005.